REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-9, 12, 13, 15, 17-23, and 25-32 were pending in the application.

Claims 18-20 and 28 are cancelled by this Amendment. No other claim amendments are presented with this Amendment, and as a result, it is requested that the claim cancellations be entered as placing the application in better condition for allowance or for use on appeal.

After entry of the Amendment, claims 1-9, 12, 13, 15, 17, 21-23, 25-27, and 29-32 remain for consideration by the Examiner.

Rejections under 35 U.S.C. §103

In the Office Action of February 21, 2006, claims 1-9, 12, 13, 15, 17-23, and 25-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,385,620 ("Kurzius") in view of U.S. Pat. No. 6,662,194 ("Joao") and further in view of newly-cited U.S. Pat. No. 6,915,269 ("Shapiro"). This rejection is traversed based on the amendments to the claims and the following remarks.

The following discussion follows the same organization as provided in the prior Amendment. Applicants appreciate the time and effort the Examiner spent on providing a full discussion of the arguments presented in the prior Amendment and the reasons the Examiner retained the rejections of the claims.

As discussed in the prior Amendment, independent claim 21 is directed to a computer method for matching profiles that each includes a "restricted information section." The method includes "automatically matching profiles" based on attributes "including attributes within the restricted section." The matched profiles are then presented to the users associated with the profile "in a manner that prevents exposing the restricted information section" and when interest is indicated by the users using the computing device to present detailed

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information "including information in the restricted information section of the matched profile." In this manner, users of profiles can present information they do not want made public for use in finding matches, and once a match is found, the restricted or protected information can be accessed by the profile users. Kurzius, Joao, and Shapiro fail to teach all the steps of the method of claim 1, and particularly, these references fail to teach profiles with restricted portions, using the information in the restricted portions to perform matching, and then presenting the information upon a showing of interest by users. For these reasons, claim 21 is believed allowable over the combined teaching of these two references.

In the human resources example, Applicants' specification explains the use of restricted information for matching and later disclosure to profile users at page 15, lines 19-24 and page 16, lines 1-6. These portions of the specification describe how a job candidate or supplier may provide information that is indicated as restricted but that should be used in matching of a job and how an employer or hiring agent may also provide information it wants used in matching but not made public. At page 18, line 24 to page 19, line 21, the specification describes how information designated as restricted is "released only upon an expression of specific interest." These features allow enhanced matching of the profiles while maintaining a desired level of privacy for candidate and employer, and Kurzius, Joao, and Shapiro fail to disclose such features.

More particularly, the Office Action cites Joao at col. 14, line 61 to col. 15, line 10 for teaching the use of a restricted portion in a profile. However, Joao teaches the use of generic terms in place of true information and apparently allowing users to access this false or generic section while claim 21 calls for no access by users (until after interest is expressed). Claim 21 calls for matching using the attributes in the restricted section, and the Office Action states that this is shown by Kurzius at col. 8, lines 28-40. Applicants disagree as at this citation Kurzius merely discusses using matching algorithms to match criteria that may given weights by an employer. There is no discussion of use of a private or

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restricted portion of a profile or criteria that are not accessible. The combination of Joao does not overcome this deficiency as Joao fails to teach that "true information" should be used in a matching algorithm but instead discusses disclosure of the generic information in its place. For at least these reasons, claim 21 is allowable over the combined teaching of Kurzius and Joao.

In the Amendment of February 21, 2006, the Examiner does not disagree with Applicants characterization of Kurzius, and Applicants assume this silence means the Examiner agrees that Kurzius fails to teach the use of a restricted portion of a profile in matching processes. The Examiner instead urges that Joao does teach the use of a restricted portion in its matching. The Examiner argues that the use of generic terms will result in the same time of matching as called for in claim 1.

Applicants strongly disagree. If an applicant provides a generic answer such as "an Ivy League school" but the matching algorithm is looking for a school ranked in the top 5 schools in the country, the generic answer may not result in a match whereas "Harvard" may provide a match. Another example may be a minimum salary requirement that a job applicant does not want to be public unless interest is shown, and a generic value for this type of attribute does not appear to apply to Joao (e.g., if a range were instead used, this would result in false matches). Further, the example provided appears more to be providing a false "identification" such as Ivy league school rather than Harvard. If this construction is valid, than this information is not used in the matching algorithm at all. For example, as shown in Joao, a person may say they are a "mid-level engineer" rather than Frank Jones, and the matching would not take place based on the school/employer's name or on the applicant's name/ID. For these reasons, Applicants request that claim 21 be reconsidered and if a specific discussion of using the generic information in the matching cannot be provided (i.e., Applicants could find no discussion of using the generic name or identifier in a match process in Joao at the cited portions).

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Shapiro does not overcome these deficiencies because it also fails to show the use of a restricted portion for performing matches while keeping the information private. First, Shapiro is an effective reference only based on the provisional filing date of December 23, 1999. Hence, the content of the provisional application is the only teaching that can be used to reject Applicants' pending claims. Turning to the provisional application figures, it can be seen that Shapiro teaches that after the matching is complete a party can request matching results but ask that this be done "without name or other key identifying data" being sent or made public. Hence, Shapiro appears similar to Joao in that it teaches that the identity of one or both parties can be kept secret and in that neither reference teaches or suggests that such withheld information is used in the process of obtaining a match. As a result, claim 21 is also allowable over Kurzius and Joao in view of the teaching of Shapiro.

Claim 29 depends from claim 21 and is believed allowable at least for the reasons for allowing claim 21.

Applicants further traverse the Examiner's taking of Official Notice that Joao teaches the final element of claim 21. On page 16 of the Office Action, the Examiner states that the references "strongly suggest that any time during the process of responding the true information can be revealed." However, there is no citation to Joao (or Kurzius) of teaching that a computing device in response to a further interest by "all users" associated with a matched profile acts to present information from a restricted section of a profile. The teaching in col. 15, lines 1-10 of Joao of using generic information "to keep the true information masked for a desired time" does not teach using the true information for a matching process or presenting the data upon showing of interest by users. In the most recent Amendment, the Examiner asserts that "Upon a showing of interest by a hiring agent, the user can avail the specific details" but provides no citation to this statement or that this is done by a computing device in response to receiving an indication of the further interest from "all the users associated

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with a matched profile." For this additional reason, claim 21 is believed allowable over the cited references.

Turning next to independent claim 23, this claim is directed to a method performed by processes on a human resources server. The method is different from the methods of Kurzius and Joao at least because it calls for "notifying a first user associated with one of the needs profiles and a second user associated with one of the capability profiles" of an achieved match. Interestingly, the "notifying comprises providing a degree of compatibility for the match to the first user and a degree of compatibility for the match to the second user." Hence, a degree of compatibility for the match is provided to the two users. These are different degrees of compatibility (with the actual value differing in dependent claim 30, with the degree of compatibility comprising scores for each of a set of matching components in dependent claim 31, and the matching components being related to skills/education, location, and compensation in dependent claim 32). In this manner, the method calls for a match to be rated or scored for both the first user and for the second user (such as for a job applicant and separately for an employer), which allows each to better analyze the desirability of the match from their point of view (i.e., a "match" between an employer and a job applicant may differ with the match being more desirable or more compatible for one of the two users).

The "degree of compatibility" element of claim 23 was not presented originally in claim 23 and hence, no citation is provided for this feature of the method in the first Office Action. The most recent Office Action cites Shapiro for teaching this limitation that the Examiner found missing in Kurzius and Joao. The Examiner cites the published application, but as discussed above, Shapiro is only a valid 102(e) reference based on the teaching of its original provisional application. The Shapiro provisional application fails to teach the degree of compatibility element of claim 23. The Examiner argues that Shapiro teaches "determining a pair of scores indicating the compatibility of a particular match to each of the matched profiles." Applicants disagree.

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The Shapiro application does not use the term "score" that Applicants could find. Further, the Summary of the Invention on page 1 indicates in step "e" that the preference profile for each party is analyzed "in relation to the preference profiles of the counterparties to derive a first list of counterparties providing a likely good fit." There is no discussion that a score is obtained first to determine the "likely good fit." Also, there is no discussion that a list of parties providing a "likely good fit" is determined for the counterparty or that a score is used to obtain such a list. In other words, there is no teaching that a score or degree of compatibility is obtained for a needs profile (e.g., an employer) and for a capability profile (e.g., for a job applicant). The Shapiro provisional figures also simply describe the system determining a pool of likely fits without teaching that scores are obtained for fits from both the party's and counterparty's perspectives. Hence, Applicants request that a specific citation in the Shapiro provisional application be provided for teaching the "notifying" called for in claim 23 or that the rejection based on the combination of these three references be withdrawn.

Claims 25, 26, 27, and 30-32 depend from claim 23 and are believed allowable at least for the reasons provided for allowing claim 23. In rejecting claim 25, the Office Action cites portions of Shapiro that were not discussed in the Shapiro provisional applications, and hence, this teaching is not available under 35 U.S.C. 102(e). Claim 30 calls for the degrees of compatibility to differ for the two users, but this element is not found in claims 1, 3, 23, and 25 and as a result rejecting this claim for the reasons provided for those claims does not state a prima facie case of obviousness. Specifically, the Shapiro provisional application fails to teach determining two scores or degrees of compatibility, and hence, it cannot teach that the two degrees of compatibility differ. In the Office Action, claim 31 is rejected but on page 28, the Office Action simply states "Kurzius fails to teach: degrees of compatibility each comprise a score for a set of matching components." Hence, the Office Action fails to state a prima facie case of obviousness for this claim, and Applicants request that this claim be found allowable or a proper rejection be made. Claim 33 calls for separate

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scores to be provided for components including skills and education; location;, and compensation. The Office Action cites Kurzius as teaching this limitation, but Kurzius only teaches that forms for providing information regarding such attributes but fails to teach assigning separate scores to such components. The Shapiro provisional also does not teach such separate scoring, and this can be a very useful feature of Applicants' method (as shown in Applicants' Figure 8 and related text). For these additional reasons, claims 25 and 30-32 are believed allowable over the three cited references.

As amended, claim 1 calls for a matching engine that determines a pair of scores indicating a compatibility of a particular match to each one of a matched profile pair. The Shapiro provisional application, as discussed with reference to Claim 23, fails to teach a matching engine that determines scores indicative of compatibility for both profiles in a matched pair. Hence, the system of claim 1 is not shown or suggested by the combined teaching of Shapiro, Kurzius, and Joao (with Joao mainly being cited for its use of generic information in place of true information).

Claims 2-11 depend from claim 1 and are believed allowable as depending on an allowable base claim. Further, claim 2 as amended calls for the scoring determined for each of the profiles in a matched pair to be completed using differing attributes and using weights assigned to such attributes by the first and second users. As discussed with reference to claim 30, the Shapiro provisional application fails to teach determining separate scores for the party and for the counterparty. For this additional reason, claim 2 is believed allowable over Kurzius, Joao, and Shapiro.

Independent claim 12 is directed to a job applicant agent with a data record with a plurality of attributes describing skills of a job applicant and "describing the associated job applicant's desire to utilize specified skills in future job assignments." Kurzius and Joao fail to teach such a data record in a job applicant record. In rejecting dependent claim 14 (which included the above

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quoted limitation), the Office Action cites Kurzius at col. 16, lines 50-57 (with a more background type of reference to Joao).

Kurzius at this citation is describing a "Background Information" portion 1404 of an employee/applicant section 1402 from Figure 14a, and from review of Figure 14a, it can be seen that there are no fields or input boxes for entering an indication of which job skills or attributes that a job applicant wants to use in future jobs. Hence, claim 12 is not shown or made obvious by Kurzius, and similarly, claim 13, which depends from claim 12, is believed allowable over the combination of Kurzius and Joao. In contrast, Figures 10-12 of Applicants' specification shows that for various skills a user can provide preference whether a next or matching job has a particular skill which enables the data record to be used in the job applicant choosing among various "matching" job postings.

In the most recent Office Action, the Examiner argues that Kurzius "teaches attributes set for matching include location information, educational information, employment information, skills information and previous salary information." However, none of these attributes are described in Kurzius as being able to mark such information as being an attribute that a user wants to use in the future (see, for example, Figures 14a, 14b, and 15 of Kurzius which do not include a box or place to provide such a future interest indication). The Examiner states that the "user is enabled to enter skills he wishes to market and emphasize to the matching engine by entering a degree of proficiency." However, "proficiency" and the claimed "associated job applicant's desire to utilize specified skills in future job assignments" are clearly not equivalent (e.g., an applicant may be highly qualified for a job based on his skill sets but this job may not score well because it requires use of a skill that an applicant has indicated he does not care to use or does not require a skill he has indicated he strongly wishes to use). Hence, Applicants disagree that Kurzius teaches the data record element of claim 12.

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Independent claim 15 is directed to an automated hiring agent with a data record that includes public data accessible by users accessing a matching engine and private data used by the matching engine for obtaining a match and by users accessing the matching engine but only based on a set of predefined rules. As discussed with reference to claim 21, the Joao provisional application fails to provide any teaching of the use of public and private or restricted data in an employer's or hiring agent's profile, with the public and private both being used <u>for matching</u> but the private only being accessible based on certain access rules (such as when a certain level of interest in a matched profile is achieved). As noted with regard to claim 21, Shapiro fails to overcome this deficiency in Joao. For these reasons, claim 15 and claim 17, which depends from claim 15, are believed in condition for allowance over the three cited references.
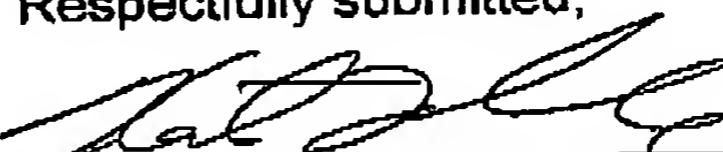
Conclusion

Based on the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

No fee is believed due at this time, but any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

4/13/06

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